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1 SHERYL A. STRAIN
CHAPTER 7 TRUSTEE
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5 UNITED STATES BANKRUPTCY COURT
6 EASTERN DISTRICT OF CALIFORNIA
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8 In the Matter of:) Case No.: 09-18800-B-7
9)
PETER J. ZUEHLKE and) DC No. SAS-001
10)
MARLISE C. ZUEHLKE) **MOTION FOR AUTHORIZATION TO**
11) **SELL PERSONAL PROPERTY**
12) 11 U.S.C. §363
Debtors.)
13) Date: April 14, 2010
14) Time: 10:00 a.m..
15) Dept: B
16) Judge: Honorable W. Richard Lee
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16 **TO THE HONORABLE W. RICHARD LEE UNITED STATES BANKRUPTCY**
17 **JUDGE:**

18 Sheryl A. Strain respectfully represents:

- 19 1. She is the duly appointed, qualified, and acting Trustee of the above-entitled
20 estate.
- 21 2. The above-captioned case was filed under Chapter 7 on or about September 11,
22 2009 and Sheryl A. Strain was appointed Chapter 7 Trustee.
- 23 3. This Court has jurisdiction over this proceeding by virtue of 28 U.S.C. §1334(a).
24 This a “core” proceeding pursuant to 28 U.S.C. §157(b)(2)(A). This motion is brought
25 pursuant to 11 U.S.C. §363
- 26 4. Among the assets of this estate is a 2007 Toyota Corolla (“Toyota”), Vehicle
27 Identification No.1NXBR30E47Z816283 with, based on the Trustee’s investigation, an
28 approximate fair market value of \$6,055.00.

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2 5. The debtors' schedules listed the value of the Toyota at \$7,500.00. The Trustee
3 performed her own independent investigation. The debtors claimed \$3,300.00 of the value of
4 the Toyota exempt under California Code §703.140(b)(2).

5 6. The Trustee has received an offer from the debtors, Peter J. Zuehlke and Marlise C.
6 Zuehlke, to purchase the non-exempt equity in the Toyota for the total sum of \$2,755.00 cash.
7 The total sum of \$2,755.00 has been received by the estate.

8 7. In deciding to accept the proposed offer, the Trustee took into consideration the
9 fair market value of the vehicle and the costs associated with taking possession of, storing, and
10 selling the vehicle at auction. The Trustee does not believe that the estate would net a higher
11 amount by selling the vehicle at auction.

12 8. The Trustee believes that sale of the above-described property on the terms set
13 forth above is in the best interest of the creditors of this estate and all parties in interest.

14 **WHEREFORE**, the Trustee prays that after appropriate notice and opportunity to be
15 heard, she be authorized to sell the above-described asset to the debtors, Peter J. Zuehlke and
16 Marlise C. Zuehlke, for the total sum of \$2,755.00.

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18 **DATED:** 3/15/10

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20 /s/
21 Sheryl A. Strain
22 Chapter 7 Trustee
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